IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEPHEN A. MILLER,
Plaintiffs,

- against –

PACIFIC INVESTMENT MANAGEMENT Company LLC,
PIMCO FUNDS,
CME GROUP INC.
Mohamed A. El-Erian (PIMCO)
Stephen A. Rodosky (PIMCO)
Kathleen Cronin (CME)
Joseph P. Adamczyk (CME)
Defendants

Civil Action #
12CV 4122 (LTS)

JURY TRIAL
DEMANDED

MOTION FOR CONTEMPT OF COURT

Until there is a ruling for contempt of Court, nothing else can proceed.

"By entering into the Settlement Agreement with Plaintiffs, Defendants do not admit and instead continue to deny that they engaged in any unlawful conduct."

It's one lie to the court after the next to mislead this Court. It's a strategy to dump an avalanche of lies to mislead the court about everything under the sun including the criminal case of extortion against the plaintiff. Plaintiff's Exhibit 1a demonstrates a critical portion of that case decided by the United States Supreme Court that counsel purposely omitted to mislead this Court.

If it was impossible to rig Treasuries, then pay nothing. You can't be convicted for a crime that's impossible to do. The actual payment of $118,750,000 by PIMCO for

rigging the Treasury futures 10 year note contract is confirmation by PIMCO that they rigged the Treasury futures contract market that counsel claims now is a fanciful, implausible crime.

Every time the Dow Jones average dips 40 points, everybody doesn't run for the safe haven Treasury market. Does this Court believe that is an investment strategy by stock market investors? Treasury contract trading is dominated by the big hitter institutional Treasury traders. They are not people invested in GE, GM, IBM, etc. They don't have a trigger to buy Treasuries every time the market dips 40 points consecutively because they are convinced that Treasuries are a safe haven (an absurd myth on its face).

Treasuries can't possibly be a safe haven compared to the price of corn, oil, cotton or any other commodity. Treasuries are simply cash the government borrowed. The big buyer of Treasuries now is the Federal Reserve using bogus money it is printing because there are no legitimate lenders capable of financing the endless debt issued to finance the deficit. It is a fact that the Chinese government has reduced their Treasury holding during the past two years from $1.3 trillion to $1.161 trillion.

PIMCO only needed $300,000,000 for the margin to perform its manipulation and $300,000,000 is only .02307% of its $1,300,000,000,000 capital. No human would be able to enter the right number of bids to eat up enough offers to where there were bids under the market; PIMCO would then unload their position. They rigged the futures 90 times in a row for 48 trading days, gouged a higher fee from PIMCO shareholders, and paid $118,750,000 to settle the prior law suit to rig treasuries.

Liars are rewarded and praised in America. 57,000,000 citizens voted for Mitt Romney to be the President of our country. 57,000,000 votes to be the President of the

United States is high praise by any standard. So we Americans have put ourselves into a bottomless swamp of hypocrisy that is ordained by being politically correct. Will this Court continue to tolerate the lies from counsel in this case? Until there is a ruling for contempt of Court, nothing else can proceed.

There are pet names for the vast American liars' swamp of hypocrisy. The top of this list is "political correctness" which is the daily propaganda used to brainwash Americans into a trance. Here are some of the prominent pet names:

- Gambling bank funds — Proprietary trading
- The trade policy of slavery — globalization
- Bribes for elected officials — campaign finance
- Bribe money — free speech
- The bogus budget — fiscal cliff
- Checks and balances — ignored
- Media lies — spin
- A lie — pivot
- A liar — flip flopper
- Embezzlement — bonus
- Kickbacks — crony capitalism

The plaintiff has made a series of factual allegations in the **AMENDED COMPLAINT** and the **AMENDED ANSWER TO THE 2nd PIMCO MOTION TO DISMISS.** The reasons given to dismiss 11CV 1073(LTS) (JFC) Edward WADE, Plaintiff on October 25, 2011 have no resemblance to any filing by Miller. The assertions from counsel that that there is some or any resemblance, especially a failure to make any

factual allegations against PIMCO and CMEG are incoherent lies to Your Honor by the defense. Addressing the Court with lies about the behavior of Your Honor must no longer be overlooked. If the Court will continue to allow repeated motions to dismiss this case, the Court is condoning a wild goose chase that is contrived to then claim the plaintiff has failed to answer the avalanche of lies written into each motion.

The clock must be stopped by the Court to address the defense strategy that diverts from each of the factual allegations by the plaintiff. The defense wants to reopen the extortion case. Exhibit A addresses the District Court, the Appellate Court, and the United States Supreme Court case #98-5793. 2nd Circuit Chief Judge Ralph K. Winter outright lied by claiming the issue had any mention of the transcript omission was about the missing "charge to the jury". The JUDICIAL MISCONDUCT COMPLAINT never mentioned "charge to the jury" and as the process continued through the review panel and the U.S. Supreme Court the appellant emphasized the missing part of the transcript was only the prosecutors opening statement.

The United States Supreme Court has a record of perfection. Beginning with case 88-5890 decided on 2/21/1989 the Supreme Court has never affirmed one Petition for a Writ of Mandamus in 1221 cases to the most recent case 12-6561 decided on 12/3/2012. No lawyer with a brain would waste time submitting a Petition for a Writ of Mandamus if they knew they had no chance to be affirmed. I was so absolutely convinced in 1998 that my Petition could not possibly fail based upon the facts provided by crazy 2nd Circuit Chief Judge Ralph K. Winter and the law. That was when I researched to learn if any other petitions had ever been affirmed.

Under the Federal Rules of Appellate Procedure the Chief Judge is compelled to appoint a special investigative body unless the complaint is deemed frivolous. Judge Winter never claimed that forcing the court reporter to delete an entire opening statement was frivolous; he falsely claimed the appellant's issue included deleting the judge's charge to the jury. The rules didn't matter to any judge including the entire U.S. Supreme Court.

The 2nd Circuit circus stayed the appeal. The difference between North Korean injustice and American injustice is only hypocrisy. The North Korean "DEAR LEADER" has his army throw their citizens into prison with no fake system hypocrisy of justice.

Defense counsels' boastful claims to be sophisticated and knowledgeable are ridiculous on their face. Counsel tries to deceive the Court by claiming that rigging Treasury futures is fanciful and implausible in the wake of the payment of $118,750,000 by PIMCO for rigging Treasury futures. Can Your Honor overlook this ridiculous lie by counsel? Is there anything complicated that can't be understood by a child? This is a simple factual allegation.

Any and every reasonable, rational defendant accused of a fraud that defendant never committed who had filed an official document required by law at the alleged time of the fraud, well before the false allegation filed in Federal Court would eagerly and happily produce that defining exculpatory document to the Federal judge. Paying huge legal fees instead of providing the document to the sanctity of the Court is an unreasonable, irrational choice to make. The simple fact that PIMCO and CMEG defendants chose to hide the official LARGE TRADER REPORT from this Court instead of conclusively dismissing this specific charge is the smoking gun.

If no large Treasury futures contract trades had ever been made by PIMCO in July, August, and September 2010 requiring no filing the LARGE TRADER REPORT the denial of having any LARGE TRADER REPORT would have been exculpatory. The denial would have been a rational response. The decision to hide the LARGE TRADER REPORT from the Court is the smoking gun created by PIMCO, the CMEG, and the CFTC. A report that doesn't exist can't be provided.

Now that PIMCO, the CMEG, and the CFTC have all decided to conspire and can now falsify the LARGE TRADER REPORT providing that report now can no longer exculpatory. It is too easy to create a false report. This is exactly the same path taken by Joe Paterno and his PENN State colleagues who voluntarily decided to protect Sandusky well before the crime surfaced and then proven in a court of law. Joe Paterno and his PENN State colleagues had no benefit to protect Sandusky and the CMEG and the CFTC have no benefit to protect PIMCO and neither has this Court.

Imagine being accused of a murder or any crime. Then imagine having pictures that place the suspect with a group of potential witnesses at the time and in a different place from where the murder had been committed. Imagine that picture was at an official event leaving absolutely no doubt that the allegation was erroneous. No rational suspect would refuse to offer the exculpatory pictures.

The defendants have provided the smoking gun for the Court to know unequivocally that the only suspect who created the 90 mountains of trades. This is a factual allegation by the plaintiff. The fact at the cornerstone for the manipulation is the synchronized buy program that the plaintiff has documented from the record of the official "TIME & SALES" provided by the CMEG to the plaintiff. Mr. Cyrulnik

continues lying to the Court when he claims the plaintiff hasn't identified any claim. The sleazy contemptuous statements Mr. Cyrulnik resorts to using in place of any legitimate argument are to use tangents having nothing to do with the facts stated in the **AMENDED COMPLAINT.**

Until the Court rules on this motion to establish whether or not the Court will deal with the lies and the diversion away from the facts and the law before the Court. The process needs to stop.

There is a glaring difference between the prior 2005 civil case against PIMCO when PIMCO admitted guilt by its payment of $118,750,000 to settle fraud charges for manipulating Treasury futures and then had the ridiculous audacity to deny guilt compared to the 1994 criminal charge of extortion against this plaintiff who denied guilt and had no due process by the District of Connecticut, the 2nd Circuit, and the United States Supreme Court.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

- -

- -

x

JOSEPH A. KOHEN, BREAKWATER TRADING LLC,

and RICHARD HERSHEY,

Plaintiffs, **No. 05 - cv - 4681**

v.

Judge Ronald A. Guzman

PACIFIC INVESTMENT MANAGEMENT COMPANY

LLC, and PIMCO FUNDS,

Defendants

- -

- -

x

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT,

APRIL 7, 2011 HEARING THEREON, AND CLASS MEMBERS' RIGHTS

Mr. Cyrulnik's strategy is to send the Court off on wild goose chases with repeated lies and mountains of irrelevant exhibits that this Court will never spend time to read. The plaintiff will enter his book ***Just Cause Just Facts*** as an exhibit. That book published in 2005 is the true story about the extortion case and the actual complete Court records substantiates every word of ***Just Cause Just Facts.***

This motion asks the Court to decide if Your Honor will allow being the victim of the flagrant ruse being perpetrated by Mr. Cyrulnik. Accepting lies and irrelevant distractions is wasting the Court's time. The plaintiff is asking the Court to rule on whether Your Honor demands answers to irrelevant endless lies by Mr. Cyrulnik.

Is due process Mr. Cyrulnik's lies to the Court? Until the Court rules on the constant diversion of lies by the defense the plaintiff requests for the process and all deadlines to be held in abeyance to honor the Court's time. The defense strategy to bombard the Court with wild goose chases in place of legal arguments is contempt.

Lying to the court to attempt to mislead the Court is contempt and are not legal arguments. Will Your Honor entertain endless attempts with allegations that have been proven false including a marijuana and weapons case in Tennessee, an income tax

evasion case, a trespassing case, and a large amount of cash (cash can be counted to the penny). What is a large amount of cash? Is a large amount $1,000, $1,000,000 or what?

Let's not forget the most recent witch hunt case that was dismissed in the Bridgeport Superior Court that is currently before the District of Connecticut **3:12-CV-01095-JCH. The peer pressure** for law enforcement to jump into conspiracies is the same as the peer pressure for gang members or young people to start using addictive drugs. This peer pressure involves 9/11 as well as the PENN State conspiracy that tried to protect Sandusky.

Mr. Cyrulnik decided to repeat false accusations as a defense for his criminal clients. Is that a legal strategy that the Court is going to ratify? The American witch hunt keeps perpetuating itself. The PENN State, Paterno, Sandusky conspiracy is the normal psychotic American behavior. Criminals who come through this court are known to have peer pressure that is exactly the same as the PENN State / Sandusky case, the 9/11 cover up of mass murder by George Bush a psychopath.

Mr. Cyrulnik has gone from Talmudic studies at Yeshiva University to lying constantly to Your Honor. Mr. Cyrulnik has proven to be an extremely deceitful person who represents a thief. Is the Court going to condone being duped, misled, and treated with contempt? There is no limit to the avalanche of pages being dumped into this Court.

We can begin by examining the bizarre conspiracy for my own case. This is the same behavior as the Rodney King case when Judge Stanley Weisburg orchestrated the acquittal for the cops. That blew up into a riot. The Judicial branch of government is openly watching the Corzine theft of 38,000 MF Global customers. Let's not forget the rating agencies putting AAA on busted out securities for fees. How many crimes are

allowed to be unprosecuted in full view of the Judicial Branch? There is no check and balance in spite of the life time appointments for all Federal Judges.

The Court Reporter, Susan Catucci, in my extortion case never reported Nevas to the chief Judge and then she certified her transcript complete when she omitted the entire opening statement by the prosecutor. Now that Mr. Cyrulnik thought he could start another witch hunt the evidence that Mr. Cyrulnik is hiding from this court must be revealed.

Does this Court actually believe that Chief Judge Ralph K. Winter doesn't know the difference between an opening statement and a charge to the jury? When Judge Winter dismissed the JUDICIAL MISCONDUCT COMPLAINT filed after Judge Nevas sentenced Miller concerning the decision by Judge Nevas to prevent Miller's defense counsel to make an opening statement in spite of allowing prosecutor Appleton to make an opening statement (that was illegally omitted from the certified transcript by the court reporter). Judge Winter's disposition claimed Judge Nevas charged the jury with 30 pages of transcript. Charging the jury had nothing to do with the JUDICIAL MISCONDUCT COMPLAINT.

The check and balance provided by a four judge review panel ignored the absurd disposition by Judge Winter. Then the United States Supreme Court denied the appellant's Petition for a Writ of Mandamus. The United States Supreme Court denies every Petition for each Writ of Mandamus. Mr. Cyrulnik concealed these pleadings from this Court to mislead Your Honor. Does Mr. Cyrulnik have a rational understanding of these proceedings?

There is also a stipulation on the court record that prevented Miller from calling any of the psychologists enlisted by Judge Nevas who falsely claimed Miller was delusional and reported to Judge Nevas that Miller had no intention of committing any crime.

There was also a second JUDICIAL MISCONDUCT COMPLAINT concerning the fact that Judge Nevas deliberately seated juror Kent Moller whose wife **Marguerite P. Moller** worked for Miller's brother-in-law Irving Kern, giving Mr. Moller a financial interest to find Miller guilty in a deliberation lasting less than 25 minutes. The method used by Judge Nevas to disguise Kent Moller from Miller enlisted a convicted inmate (Miller had no codefendants) seated at Miller's defense table speaking loudly and constantly, preventing Miller from hearing Mr. Moller state on the record that his wife worked for Cohen & Wolf. Mr. Kern was the managing partner of Cohen & Wolf from 1994 to 2010.

Miller published ***Just Cause Just Facts*** in 2005 to expose the extortion case now being used to attempt to divert the attention of the court from the PIMCO manipulation to the manipulation of copper prices by officials of the COMEX exchange, the CFTC, the DOJ, and the Judicial Branch.

When Mr. Cyrulnik decides the Court's rulings are wrong the procedure is for him to appeal, instead Mr. Cyrulnik ignores the court's decision to allow the plaintiff's **AMENDED COMPLAINT** and continues to oppose the ruling as if it was never made. That is contempt, that isn't a legal argument. Mr. Cyrulnik goes his merry way ignoring dismissed cases, ignoring bizarre decisions, ignoring rules, ignoring law, and proceeding to be the King of the world.

The defendants put their own smoking gun right before the court. They can't turn the clock back. If the plaintiff had been mistaken by the facts, the exculpatory evidence would have been the Large Trader Reports. The Large Trader Reports can easily be falsified now. A sensible opportunity for an innocent defendant would have been to immediately produce the Large Trader Reports for the privacy and integrity of the court to know beyond any question that the plaintiff had been mistaken.

Is the Large Trader Report a sacred, secret, private document that must disappear from sight forever? Are trades made more than two years ago that if the court were to actually see the contents of that report it would reveal a valuable strategy that the court could use nefariously to do something that would jeopardize some unique talent PIMCO has that propelled PIMCO to be the largest bond fund on earth?

The court hasn't reacted to the constant lies by the defense in this case. The defense has never denied that the Large Trader Report actually exists. If no large trades were ever made in July, August, and September 2010 then no Large Trader Report would exist at all. If the report doesn't exist, then allowing the court to see that sacred, private report would be impossible. Not having the Large Trader Report would have been exculpatory evidence and prove that the identity of PIMCO made by the plaintiff is a mistake. The omission of any denial must therefore mean that PIMCO did file a Large Trader Report.

As to the understanding by the court as to the actual behavior by the defense, there has been no reaction except for the court's denial of the **MOTION.** There is nothing private to hide if the Large Trader Report doesn't exist in the first place. Now we

know for sure that the Large Trader Report does in fact exist and that fact confirms the identity of PIMCO as the trader who created the 90 mountains of trades was correct.

The truth doesn't matter, the law doesn't matter, the facts don't matter, insulting the intelligence of the court doesn't matter, and being in contempt of court doesn't matter to the defense of this criminal organization with its criminal management. This defense is contemptuous. Reading mountains of lies and nonsense is a complete waste of this court's time. Does the court get to the point that the defense pleadings are mumbo jumbo? Does the Court know enough about trading futures, the valuation of Treasury Securities, institutional trading practices, and the obvious fact that Treasuries are definitely not a safe haven at any time of the day or night?

Being a liar in America is the American culture. 57,000,000 people voted for Romney to be president even though Romney was caught being a liar dozens of times. Romney's lies were the butt of jokes. Even the Obama campaign barely mentioned Romney's constant lies.

Fed. R. Civ. P. 15(a). allows one amended complaint without obtaining the court's permission. That rule doesn't matter to the defense.

PIMCO promotes its shares to the public for investment. Going long Treasury futures is extremely risky, and it is crazy. The simple failure to understand that the risk to any bond fund for adding to the risk by being long Treasury futures because interest rates can always go higher especially when the government deficit is out of control is beyond dumb. It is apparent that the CMEG, the CFTC, the SEC, the DOJ, and the Judicial Branch are too unsophisticated and too uneducated to understand this improper derivatives strategy. The only legitimate, viable derivatives strategy for any bond fund

would be hedging by only being short Treasury futures. In 1982 the yield on Treasury bonds peaked at 15.5%. The price of Treasury bond futures was 55 compared to 151 at the current yield of 2.79%.

Is any bond fund allowed to bet shareholders money on horse races, dice games, and slot machines? There is no difference when a bond fund bets the shareholders investment by going long Treasury futures. Is PIMCO long Treasury futures because they are crazy or is PIMCO going to claim it is rigging the Treasury futures market?

If PIMCO was allowed to dope horses or cheat casinos that would be the same as being allowed to rig Treasury futures by the CMEG, the CFTC, and the DOJ. These are the facts of this case.

There was no fiscal cliff in 1982. The Chairman of the Federal Reserve, Paul Volker, wasn't a berserk imbecile. How many more economic disasters will happen from so called complicated derivatives strategy that aren't complicated at all?

Americans are brainwashed daily that they are exceptional. They are exceptionally arrogant, ignorant, liars. When they are dead wrong claiming Treasuries are a safe haven some other nonsensical lie will be the answer. The American swamp of hypocrisy is bottomless, it has no end. They actually believe no amount of debt will ever collapse the American currency. The leader of this preposterous, exceptional arrogance is a man named Ben Bernanke who is delusional. There is nobody but the plaintiff who states unequivocally that Treasuries are dangerous and scoffs at the absurd, nonsensical claim "Treasuries are a safe haven".

Paying $118,750,000 to settle a fraud is a vivid contradiction by any innocent defendant. A payment of $118,750,000 is a simple fact by this defendant charged with

manipulating Treasury futures prices to reduce its potential exposure to a higher payment. Insulting the intelligence of the court by claiming Treasuries can't be manipulated is contempt proved by the payment of $118,750,000. This is bad faith arrogantly pushed into the face of the court.

No Federal judge can be so stupid to believe this ridiculous contradiction. Is paying $118,750,000 an insanity defense by a defendant claiming innocence? That would qualify as legally incompetent. Does the defendant fail to understand the proceedings and is the defendant incapable of assisting counsel?

Counsel then claims the Treasury market is too large and too liquid to be manipulated. First of all paying $118,750,000 for manipulating the Treasury market admits PIMCO manipulated the Treasury market in 2005.

Second of all concentrating $300,000,000 margin for a period of a few hours each time on the 10 year note contract that requires $1,485 for a $100,000 contract (30 year bond $3780 and 5 year note $743) is equivalent to discharging the entire nuclear arsenal from the American submarine fleet. Attacking treasury prices by bidding up the price of actual trades by PIMCO is recorded in the Large Trader Reports being hidden by PIMCO, the CMEG, and the CFTC from the court. The power of this court is able to subpoena the Large Trader Report from defendant CMEG or the CFTC.

"A litigant has to state a claim before he or she is entitled to discovery." *Bridgewater v. Taylor,* 745 f. Supp. 2d 355, 358 (S.D.N.Y. 2010) is only the first of every irrational, bogus barrage of irrelevant lies to the court cloaked in cases cited that are irrelevant to these specific proceedings. Council's strategy to flagrantly lie to the court is

a bottomless swamp. Will this court allow another six year bottomless swamp of lies and incoherent irrational mumbo jumbo by council?

The decision by the CMEG to protect PIMCO at the expense of all other traders is exactly the same as the Penn State decision to protect Sandusky when Sandusky raped boys in the Penn State facility. Both decisions qualify as psychotic and criminal. A deposition of the primary defendant by the plaintiff would give the court a glaring picture of the evidence available to prove the plaintiff's charge. Will the lesson of the Penn State, Sandusky fiasco be learned?

Only a full blown certified lunatic who was innocent of a charge would actually pay $118,750,000 to settle any case and then have the nerve to claim being innocent. PIMCO and their counsel are in a bottomless pit of mumbo jumbo false claims on their face from some other galaxy. A deposition of the primary defendant (Mohamed El-Erian) who made the false statements on CNBC and Bloomberg would be glaring evidence to the court that can't be matched by written pleadings from counsel that are absurd lies to the court.

"By entering into the Settlement Agreement with Plaintiffs, Defendants do not admit and instead continue to deny that they engaged in any unlawful conduct."

ORAL ARGUMENT REQUESTED

Date: January 4, 2013

Respectfully submitted,

Stephen A Miller, pro se
83 Waldorf Avenue
Bridgeport, CT 06605
Tel 203-923-1680

CERTIFICATE OF SERVICE

I, Stephen A. Miller hereby certify that on January 4, 2013 I mailed this **MOTION** and Exhibit 1a to counsel of record for all defendants via USPS.

Exhibit 1a

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
CLERK OF THE COURT

January 14, 1999

AREA CODE 202
479-3011

Stephen A. Miller
#12367-074
FCI McKean/Unit DA
Bradford, PA 16701-0990

RE: In Re Stephen A. Miller
98-5793

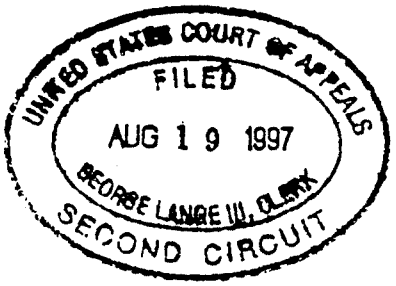
Dear Mr. Miller:

This is in response to your recent letter concerning the above-entitled case. The petition was filed August 24, 1998, and placed on the docket August 25, 1998, and was denied by the full Court on November 2, 1998.

Sincerely,
William K. Suter, Clerk
By:

Gail Johnson
(202) 479-3038

Enclosures



JUDICIAL COUNCIL OF THE

SECOND CIRCUIT

----------X

In re

CHARGE OF JUDICIAL MISCONDUCT

----------X

Corrected Order

97-8522

RALPH K. WINTER, Chief Judge:

On July 9, 1997, Complainant filed a complaint with the Clerk's Office pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act, 28 U.S.C. § 372(c) (1994), and the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers (the Local Rules), charging a District Court Judge of this Circuit with misconduct.

Background:

In late 1996, Complainant was convicted of extortion in a jury trial at which the Judge presided; he is currently incarcerated in a federal prison. Pretrial proceedings were protracted due to questions about Complainant's competence to stand trial, and the matter was before the Judge for nearly two years. Complainant's appeal to the Second Circuit is pending.

Complainant was represented by appointed counsel at trial but rejected that attorney for the appeal. Complainant has also dismissed the two attorneys who were appointed as replacement

counsel. One of the dismissed appellate attorneys filed a brief for Complainant, and Complainant is now proceeding pro se.

Allegations:

Complainant alleges that his appeal has been prejudiced because certain "verbal statements" "were removed from the official certified trial record." The complaint refers specifically to (i) remarks by defense counsel in connection with Complainant's motion to make an opening statement, and (ii) the Judge's reading of jury instructions. Complainant accuses the Judge of directing the removal of these materials and of causing the publication of a false newspaper article about Complainant's case.

Disposition:

The allegations of deletions from the trial record are unfounded. Both of the items at issue -- the jury charge and the motion for an opening statement -- are included in the record and preserved for appeal. The Judge's charge to the jury is recorded in more than 30 pages of transcript of the last day of trial, and the motion for an opening statement is identified in the certified index to the record. The remaining accusation, that the Judge directed the publication of a newspaper article, is devoid of any factual support. Accordingly, the Complaint is dismissed as unfounded, pursuant to 28 U.S.C. § 372(c)(3)(A)(iii) and Local Rule 4(c)(3).

The Clerk is directed to transmit copies of this order to Complainant and to the Judge.

RALPH K. WINTER
Chief Judge

Signed: New York, New York
August 19, 1997

Stephen A. Miller
83 Waldorf Ave
Bridgeport, CT 06605

UNITED STATES POSTAL SERVICE

1000 10007

U.S. POSTAGE
PAID
BRIDGEPORT, CT
06605
JAN 04, '13
AMOUNT
$2.30
00094763-03

RECEIVED
PRO SE OFFICE
2013 JAN -7 P 2:46

U.S. District Court
SDNY
Pro Se Office
500 Pearl St. Room 230
NY NY 10007

USM P3
SDNY